

‘Twas the Markman Before Christmas



By: Shea Sloan
(U.S. PAT '1225 Pending)



TWAS THE WEEK BEFORE CHRISTMAS ON MARKMAN HEARING DAY
NOT A CREATURE WAS STIRRING BUT KEN ADAMO FROM JONES DAY.

THE INTRINSIC RECORD WAS PROJECTED WITH CARE
IN HOPES THE EXTRINSIC WOULD BE ALLOWED THERE.

THE MASS OF PATENT LAWYERS WERE SEATED ACCORDING TO "THE CHART"
THEIR HEADS WERE FILLED WITH VISIONS OF DENUDED WAFERS AND PRIOR ART.

JUDGE DAVIS WAS ROBED, ROSA'S MINUTES WERE ON TAP;
THE CSO SETTLED IN FOR A FOUR-HOUR NAP.

WHEN WHAT TO JUDGE DAVIS' EYES DID APPEAR
BUT NEW FILINGS FROM WEIL GOTSHAL AND THEIR EIGHT TINY REINDEER.

ON THE OTHER SIDE WAS A BIG FIRM SO LIVELY AND FORTHWITH
I KNEW IN A MOMENT IT MUST BE McKOOL SMITH.

FROM SPHERICAL PANNING TO NETWORKS TO INTERNET THEY CAME
THE CLERK'S OFFICE STAMPED THEM AND CALLED THEM BY NAME.

ON INTEL, ON HALLIBURTON, ON MICROSOFT AND AVG,
ON ORION, TIVO, ELECTRONIC ARTS, AND ST.

TO THE SCHEDULING CONFERENCE, DISCOVERY, MEDIATION THEY FALL,
NOW, DISMISS AWAY, DISMISS AWAY, DISMISS AWAY ALL.

BACK TO THE PATENT WHERE ACRONYMS DECK THE HALLS,
NSP, ISP, POP -- GOD SAVE US ALL.

UP TO THE COURTHOUSE THE COUNSELORS THEY FLEW
FILING APPEALS TO THE FEDERAL CIRCUIT, INTERLOCUTORIES, TOO.

THEN IN A TWINKLING WE WERE BACK AT THE HEARING
LISTENING TO MEANS-PLUS-FUNCTION -- COULD THE END BE NEARING?

AS WE TURNED OUR HEADS AND LISTENED -- IT WAS SO CLEAR,
THE BITS WERE SPEAKING, "NO INFRINGEMENT HERE."

THE MEDIATOR'S EYES HOW THEY TWINKLED, HIS POCKETBOOK HOW MERRY.
THE ADVISOR WAS THINKING, BETTER HURRY AND GET A BLACKBERRY.



THE '1225 PATENT HAS A BROAD BASE, ITS ATTORNEY A PALM AND A CELL,
ITS CONSTRUCTION IS SOLID, ACCORDING TO RUFFIN CORDELL.

IT HAD A PREFERRED EMBODIMENT -- UH OH, TEDDY PULLED OUT THE IEEE.
THE WHOLE COURTROOM GASPED WHEN HE DEFINED "THE."

THE DATA ON THE ALGORITHM OF MR. BAXTER'S CONSTRUCTION
GAVE LUSTER TO THE THOUGHTS OF SUMMARY JUDGMENT EXPUNCTION.

MICHAEL SMITH BROUGHT A GIFT -- AN INDEPENDENT CLAUSE,
BUT THE GIFT WE REALLY WANTED WAS FROM SANTA CLAUS.

PHILLIPS IS THE GRINCH WHO STOLE CHRISTMAS, SOME RUE.
A PERSON OF ORDINARY SKILL IS THE WHO WHO CAN CONSTRUE.

A RECESS WAS TAKEN. WE ALL HAD THE WOES.
WHAT WE REALLY NEEDED WAS A YELLOW ROSE.

THE LOCALS WERE THERE; I.E., POTTER, WILSON, RAMEY, AND THE ICK'S
CHRISTMAS CARROLL DEFINED "PUBLIC ACCESS" AS DON JUAN'S OR RICK'S.

THE JUDGE CAME BACK AND WITH A SIGH DECLARED,
ONE MORE CLAIM TERM AND I WANT IT SHARED.

THEN OPPOSING COUNSEL RAN TO THE ELMO TO CHECK ON A GLITCH.
MR. PARTRIDGE-IN-A-PEAR-TREE HAD HIT THE WRONG SWITCH.

A BUNDLE OF ROUTERS WAS DEFINED ON THE SCREEN IN BLACK.
THE PUBLIC PACKET SWITCHING TERM CAME IN A FOUR-INCH STACK.

WE ALL WONDERED IF THIS COULD BE ENDING
WHEN MR. JONES HOLLERED, "A PATENT IS PENDING."

THE PATENT OFFICE WAS CLOSED FOR THE HOLIDAY SEASON;
JUDGE DAVIS SAID, "SIT DOWN, THAT'S NOT A GOOD REASON."

AS THE PODIUMS WERE DUELING, WORD CAME FROM AFAR
JOE PRICE, THE COURT'S LAW CLERK, HAD JUST PASSED THE BAR.

SO WE FINISHED THE HEARING AND JUDGE DAVIS ADJOURNED.
WHEN IT WAS OVER WE WONDERED WHAT WE HAD LEARNED.

THEN A FIGHT ENSUED BETWEEN TWO ANGRY MEN.
ROSA BROKE IT UP, AND THAT WAS THE END.